

## Department of Energy

## § 470.14

with the policies and procedures set forth in DOE-AR and DOE-PR, as applicable, and disclosed, if appropriate, in accordance with 10 CFR part 1004 entitled "Freedom of Information."

(14) A statement notifying proposers of their right to request a debriefing pursuant to the procedures set forth in § 470.18; and

(15) A statement notifying proposers of their right to request a waiver of DOE's title to inventions made under the program.

(c) Each program solicitation shall be synopsized in the *Commerce Business Daily* prior to or concurrent with release. The program solicitation also shall be announced to appropriate newspapers, trade and technical publications, and State and local governments, and shall be circulated directly to interested individuals, entities, and associations thereof, to the maximum extent feasible.

### § 470.14 Evaluation and selection.

(a) Prior to making a comprehensive evaluation of a proposal, the receiving office shall determine that it contains sufficient technical, cost, and other information to enable comprehensive evaluation and that it has been properly signed. If the proposal does not meet these requirements, a prompt reply shall be sent to the proposer, indicating the reason(s) for the proposal not being selected for support under the program solicitation. A proposer may correct any minor informality or irregularity or apparent clerical mistake prior to the entering into of grants, contracts, or cooperative agreements. A minor informality or irregularity is one which is merely a matter of form and not of substance or pertains to some immaterial or inconsequential defect or variation from the exact requirements of the program announcement.

(b)(1) The Regional Program Manager shall select a number of technical evaluation reviewers representing several disciplines to ensure adequate technical review of proposals.

(2) After receiving nominations from each State or combinations of States within the Region, the Program Manager shall select a number of State reviewers for each State or combinations

of States, respectively. The nominations and selections of State reviewers shall take into consideration representation by persons from a variety of backgrounds, in order that the reviewers are able to evaluate proposals of potential merit in various fields and from various types of proposers.

(3) The Regional Program Manager or designee shall provide proposals to the technical evaluation and State reviewers and shall provide their findings and comments to the selection panel established pursuant to paragraph (3) of this section.

(4) In carrying out the responsibilities set forth in paragraphs (b) (1), (2) and (3) of this section, the Regional Program Manager (i) shall determine the number of technical evaluation and State reviewers who shall review each proposal; (ii) shall determine the sequence of the technical and State review; (iii) may designate a person to serve as both a technical and State reviewer, if appropriate to the needs of the program in the Region. A description of the Program Manager's determinations under this paragraph shall be included in the Program Solicitation pursuant to § 470.13(b)(6).

(c) Each technical evaluation reviewer shall evaluate those proposals which he or she receives from the Regional Program Manager or designee and shall provide his or her findings to the Regional Program Manager or designee. In addition to the general criteria underlying the establishment of the program as set forth in § 470.10, the major criteria to be considered by each technical evaluation reviewer shall include—

(1) Whether the proposal is technically feasible, including a determination as to whether the proposed energy savings or energy production can be technically achieved;

(2) Whether the results being proposed are capable of being measured;

(3) Whether the proposal has any potential environmental, health and safety impacts; and

(4) From a technical standpoint, whether the proposal can be carried out within the funds being requested.

(d) Each State reviewer shall evaluate those proposals which he or she receives from the Program Manager or

designee and shall provide his or her findings and comments to the Program Manager or designee. In addition to the general criteria underlying establishment of the program as set forth in § 470.10, the criteria to be considered by each State reviewer shall include—

- (1) The potential impact of the proposal on the energy needs and requirements of the community or region;
  - (2) The energy resource involved and its importance or availability to the community or region;
  - (3) The expected energy savings or production that will result from the proposal and the significance of those savings or production to the energy requirements of the community or region;
  - (4) The institutional barriers that may substantially affect the proposal and the potential of the proposal to deal with those barriers;
  - (5) The likelihood of commercialization or utilization of the technology, process, or items within the proposal and extent of such commercialization/ utilization;
  - (6) The innovative nature of the proposal;
  - (7) Any potential environmental, health and safety impacts of the proposal upon the community or region;
  - (8) The extent to which work beyond the funded project period might be required;
  - (9) The extent to which local resources, material, and manpower will be utilized; and
  - (10) The adequacy of the business aspects of the proposal, including the reasonableness of the proposer's budget for carrying out the proposal.
- (e) A selection panel composed of DOE personnel appointed by the Regional Program Manager shall, taking into account the findings and comments of the technical evaluation and State reviewers, evaluate and rank the proposals in accordance with the criteria stated in the program solicitation.
- (f) For each Region, a DOE selection official shall select proposals for support from the ranking established by the selection panel, taking into account the following program policy factors in order to determine the mix

of proposed projects which will best further specific program goals—

- (1) Regional distribution, including geography, population, and climate;
- (2) Project type distribution, including a diversity of methods, approaches, and technologies;
- (3) Diversity of participants; and
- (4) The best overall use of the funds available.

**§ 470.15 Allocation of funds.**

(a) DOE shall annually allocate fiscal year funds available for support among the 10 standard Federal Regions, according to the following formula;

- (1) Two-thirds to be allocated according to population; and
- (2) One-third to be allocated according to the number of proposals received, per hundred thousand of population of the Region, which meet the requirements set forth in § 470.14(a).

(b) The minimum annual level of support for projects for each State within a Region shall be 10 percent of the fiscal year funds allocated to the Region, divided by the number of States in the Region.

(c) For the purposes of this section, population shall be determined by the most current complete national series, as published by the United States Bureau of the Census in *Current Population Reports*, P-25, P-26, or related series, except where data from the decennial census conducted by the Bureau of the Census is more current.

**§ 470.16 Cost sharing and funds from other sources.**

Proposers are encouraged to offer to share in the costs of their proposed projects or to arrange that other entities provide cost sharing on their behalf. Regional Program Managers, with the consent of the proposer, may work with States, local governments or other entities to obtain supplemental funding.

**§ 470.17 General requirements.**

(a) Except where this part provides otherwise, the submission, evaluation and selection for support of proposals under the program and the entering into and administration of grants, cooperative agreements, and contracts under the program, shall be governed